

### **C.) REMARKS**

This Response is filed in response to the Office Action dated January 18, 2006.

Upon entry of this Response, claims 9-21 will be pending in the Application.

In the outstanding Office Action, the Examiner rejected claims 9-14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,945,694 and rejected claims 15-21 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,945,694 in view of U.S. Patent 4,157,476.

#### **Nonstatutory Double Patenting Rejection**

##### **Rejection of Claims 9-14**

The Examiner rejected claims 9-14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,945,694.

The Examiner stated:

Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. Patent No. 6,945,694 claims: a dental X-ray apparatus having an X-ray tube contained within a tubehead and supported by tubehead components, the improvement comprising said tubehead formed from cast zinc or zinc alloy and wherein the tubehead is supported by a yoke, said yoke comprises a control panel to perform control operations (see claims 1 and 2). Examiner notes that instant application (10/779,366) claim 9 is anticipated by the aforementioned claims.

Applicant respectfully traverses the rejection of claims 9-14 on nonstatutory double patenting grounds.

Applicant is submitting a Terminal Disclaimer with this Response, thereby rendering the double patenting rejection against claims 9-14 moot. In view of the above, Applicant submits that claims 9-14 no longer subject to an obviousness-type double patenting rejection and are therefore believed to be allowable.

##### **Rejection of Claims 15-21**

The Examiner rejected claims 15-21 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,945,694 in view of U.S. Patent 4,157,476.

The Examiner stated:

U.S. Patent No. 6,945,694 claims: a dental X-ray apparatus having an X-ray tube contained within a tubehead and supported by tubehead components, the improvement comprising said tubehead formed from cast zinc or zinc alloy and wherein the tubehead is supported by a yoke, said yoke comprises a control panel to perform control operations (see claims 1 and 2). U.S. Patent 6,945,694 does not explicitly claim a tubehead comprising a housing, a collimator, a x-ray tube, high-voltage circuitry including one or more high-voltage transformers, dielectric oil and a tube holder to support the x-ray tube, wherein the collimator, the x-ray tube, the high voltage circuitry and the tube holder are disposed in the housing and soaked in dielectric oil.

U.S. Patent 4,157,476 teaches that a conventional dental tubehead (10) comprises a housing (11), a collimator (80), and x-ray tube (25), high-voltage circuitry including one or more high-voltage transformers... dielectric oil (column 1, lines 10-11) and a tube holder to support the x-ray tube.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of U.S. Patent 6,945,694, such that it is incorporated a tubehead comprising a housing, a collimator, a x-ray tube, high-voltage circuitry including one or more high-voltage transformers, dielectric oil and a tube holder to support the x-ray tube, wherein the collimator, the x-ray tube, the high voltage circuitry and the tube holder are disposed in the housing and soaked in dielectric oil. One would have been motivated to make such a modification for the purpose of generating collimated X-ray radiation from a generating means, while reducing thermal build-up within the device by exposing internal components to heat transfer means as dielectric oil, as is suggested by U.S. Patent 4,157,476 and current practice within the X-ray radiation art.

Applicant respectfully traverses the rejection of claims 15-21 on nonstatutory double patenting grounds.

Applicant is submitting a Terminal Disclaimer with this Response, thereby rendering the double patenting rejection against claims 15-21 moot. In view of the above, Applicant submits that claims 15-21 no longer subject to an obviousness-type double patenting rejection and are therefore believed to be allowable.

### **CONCLUSION**

For at least the reasons set forth above, Applicant respectfully requests reconsideration of the Application and withdrawal of all outstanding rejections. Applicant respectfully submits that the claims are not anticipated by, nor rendered obvious in view of the cited art, either alone or in combination, and thus, are in condition for allowance. Thus, Applicant requests allowance of all pending claims in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant's undersigned representative.

This Response has been filed within four (4) months of the mailing date of the Office Action and thus, it is believed a fee for a one-month extension of time is due with the filing of this Response. The Commissioner is hereby authorized to deduct any fees determined to be due for the one-month extension from the undersigned's Deposit Account No. 50-1059.

Respectfully submitted,  
**McNEES, WALLACE & NURICK**

/Brian T. Sattizahn/

By

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